

**FILED**

OCT 18 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

FRESENIUS MEDICAL CARE HOLDINGS,  
INC., a New York corporation; and FRESENIUS  
USA, INC., a Massachusetts corporation,

Plaintiffs and Counterdefendants,

v.

BAXTER INTERNATIONAL, INC., a  
Delaware corporation; and BAXTER  
HEALTHCARE CORPORATION, a  
Delaware corporation,

Defendants and Counterclaimants.

Case No. C 03-01431 SBA (EDL)

**STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING EQUIPMENT FOR  
TRIAL**

Date: October 24, 2007  
Time: 8:30 a.m.  
Judge: Hon. Sandra Brown Armstrong

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**STIPULATION**

Plaintiffs and Counterdefendants, FRESenius MEDICAL CARE HOLDINGS, INC., and FRESenius USA, INC. (collectively "Fresenius") and Defendants and Counterclaimants BAXTER INTERNATIONAL, INC. and BAXTER HEALTHCARE CORPORATION (collectively "Baxter") hereby STIPULATE as follows:

In connection with the trial scheduled for October 24, 2007, counsel of record for Fresenius, the firm of Fish & Richardson, as well as support staff and vendors assisting such counsel, and counsel of record for Baxter, the firms of Bell, Boyd & Lloyd, Townsend and Townsend and Crew, and Gardner, Carton & Douglas, as well as support staff and vendors assisting such counsel, may bring into the Federal Courthouse in Oakland, California, located at 1301 Clay Street, #400 South, Oakland, California, and set up in the courtroom of the Honorable Sandra B. Armstrong, certain equipment and materials for purposes of facilitating demonstrative exhibits which may be used during the trial.

The equipment and materials may include easels, exhibit boards, book carts, a projector, screen, switch box and cables, laptop computers, four 15" flat panel displays, digital ELMO visual presenter, audio speaker, and the stands and tables necessary to support such equipment.

Additionally the parties may attempt to introduce various hemodialysis machines and associated equipment at trial. The presence of the machines and associated equipment in the courtroom is not an admission that the equipment is admissible at trial. Accordingly, the parties reserve all rights to object to the admission, identification, and/or demonstration of all equipment.

Further, the parties request that they be allowed access to the Courtroom on Friday, October 19th, at 9:00 a.m. for the purposes of setting up and testing this equipment prior to the commencement of trial.

1 Dated: October 17, 2007

FISH & RICHARDSON P.C.

2 By: /s/ Michael E. Florey

3 Michael E. Florey

4 Attorneys for Plaintiffs and Counterdefendants  
5 FRESENIUS MEDICAL CARE HOLDINGS,  
6 INC. and FRESENIUS USA, INC.

7 Dated: October 17, 2007

BELL, BOYD & LLOYD LLC

8 By: /s/ Michael J. Abernathy

9 Michael J. Abernathy

10 Attorneys for Defendants and Counterclaimants  
11 BAXTER INTERNATIONAL, INC. and  
12 BAXTER HEALTHCARE CORPORATION

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1 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under  
2 penalty of perjury that concurrence in the filing of this document has been obtained from  
3 Michael J. Abernathy.

4 Dated: October 17, 2007

FISH & RICHARDSON P.C.

5  
6 By: /s/ Michael E. Florey

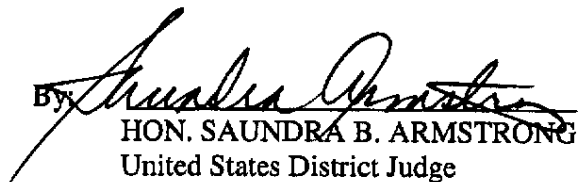
Michael E. Florey

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9 INC. and FRESNIUS USA, INC.  
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ORDER

IT IS SO ORDERED. Court staff, including assistant U.S. Marshals on duty at the time, are directed to allow, and to take such steps as reasonably necessary to facilitate the foregoing activity.

DATED: October 18, 2007

By   
HON. SAUNDRA B. ARMSTRONG  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

FRESENIUS USA, INC. et al,  
Plaintiff,

Case Number: CV03-01431 SBA

**CERTIFICATE OF SERVICE**

v.

BAXTER INTERNATIONAL INC. et al,  
Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 18, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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Dated: October 18, 2007

Richard W. Wieking, Clerk  
By: Jessie Mosley, Deputy Clerk